

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
Carlos Julio Zavala,	§	Case No. 17-52192-CAG
	§	
Debtor	§	Chapter 7
-----	§	
John Patrick Lowe, Trustee,	§	
Plaintiff	§	
	§	
v.	§	Adv. Pro. No. 17-____-CAG
	§	
Martin W. Seidler,	§	(Estimated Time: 2 hrs.)
Defendant	§	

Complaint for Turnover of Recorded Information

TO THE HONORABLE CRAIG A. GARGOTTA, UNITED STATES BANKRUPTCY JUDGE:

JOHN PATRICK LOWE, Trustee of the bankruptcy estate of Carlos Julio Zavala, files this Complaint for Turnover of Recorded Information, and in support thereof would show unto the Court as follows:

1.

Plaintiff is the duly qualified and acting Trustee in the underlying Chapter 7 case.

2.

This Court has subject matter jurisdiction of this proceeding by right of 11 United States Code §§ 157 and 1334, and 11 United States Code § 542(a) and (e) and 704. This is a core proceeding by right of 28 United States Code § 157(b)(2)(A), (E) and (O). This Court has venue of this proceeding by right of 28

United States Code § 1409(a).

3.

The Debtor, Carlos Julio Zavala, filed a petition under Title 11 United States Code Chapter 7 on September 18, 2017 in the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, Case No. 17-52192-CAG. The Plaintiff is the statutory representative of the bankruptcy estate in the Chapter 7 proceeding.

4.

The Plaintiff is informed and believes, and therefore alleges, that the Defendant is in possession of certain recorded information, that is, books, documents, records and papers, relating to the Debtor's assets, liabilities and financial affairs. He's in possession of those records because, as the Debtor's Statement of Financial Affairs discloses, the Debtor consulted with the Defendant in May of 2017 about debt relief or a bankruptcy filing. Those matters, the recorded information, those books and records, are assets of the bankruptcy estate. The Plaintiff, the statutory representative of the bankruptcy estate, is obliged to both assemble the assets of the estate and to investigate the financial affairs of the Debtor.

5.

Count 1
Turnover of Recorded Information
(11 United States Code Section 542(a) and (e))

Plaintiff incorporates herein by reference the allegations in paragraphs 1 through 4, inclusive. In order to enable the Plaintiff to discharge certain of his statutory duties, the Plaintiff requests that the Court enter a judgment in favor of the Plaintiff and against the Defendant ordering and directing the Defendant to turn over to the Plaintiff by a date certain all of the books, documents, records and papers relating to,

regarding or evidencing the Debtor's assets, liabilities and financial affairs in the possession, custody or control of the Defendant. The authority for this request is 11 United States Code Section 542(a) and (e).

WHEREFORE, premises considered, Plaintiff requests the Court to enter a judgment in favor of the Plaintiff and against the Defendant as requested above for turnover of recorded information, and for such other and further relief, at law or in equity, as to which Plaintiff may be entitled.

DATED: October 26, 2017.

Respectfully submitted,



John Patrick Lowe, Trustee
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